IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

MONDAY, THE 8TH OCTOBER 2007 / 16TH ASWINA 1929

OP.No. 227 of 1999(B)

PETITIONER:

C.RAJENCRAN, S/O. CHELLAPPAN,
SHEEBA HOUSE, ARASHUPARAMBU,
NEDUMANGADU P.O.,
THIRUVANANTHAPURAM DISTRICT.

BY ADV. SRI.C.K.ABDUL REHIM

RESPONDENTS:
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1. **THE DISTRICT COLLECTOR,**
   THIRUVANANTHAPURAM.

2. **THE TAHSILDAR, NEDUMANGADU TALUK,**
   NEDUMANGADU P.O.,
   THIRUVANANTHAPURAM DISTRICT.

3. **THE DEPUTY DIRECTOR OF EDUCATION,**
   THIRUVANANTHAPURAM DISTRICT,
   THIRUVANANTHAPURAM.

4. **THE NEDUMANGADU MUNICIPALITY,**
   REP.BY ITS SECRETARY,
   NEDUMANGADU P.O.,
   THIRUVANANTHAPURAM DISTRICT.

5. **SMT.NAFEESA UMMAL,**
   CHAIR PERSON, NEDUMANGADU MUNCIPALITY,
   NEDUMANGADU P.O., THIRUVANANTHAPURAM.

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**6. THE PARENT- TEACHER ASSOCIATION,
GOVT. L.P.SCHOOL, CHELLAMKODE,
REP.BY ITS PRESIDENT,
SRI. VIJAYAMOHANAN NAIR,
JANATHA HOUSE, NEDUMANGADU P.O.
THACHARU KONAM, THIRUVANANTHAPURAM
DISTRICT.**

**7. THE HEAD MISTRESS, GOVERNMENT L.P.SCHOOL,
CHELLAMKODE, ARASHUPARAMBU,
NEDUMANGADU P.O., THIRUVANANTHAPURAM
DISTRICT.**

**BY ADV. SRI.P.RAMAKRISHNAN
BY GOVERNMENT PLEADER SRI.P.N.SANTHOSH**

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 08/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

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ORDER ON CMP. NO.351/1999 IN OP. NO.227/1999

DISMISSED

08.10.2007 **SD/- THOTTATHIL B.RADHAKRISHNAN, JUDGE**

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- MASS PETITION DT. 27.7.98 BY PETITIONER AND OTHERS.

EXT.P2:- COPY OF THE LETTER OF THE LOCZL MLA DT. 28.7.98.

EXT.P3:- COPY OF THE NEWSPAPER MALAYALA MANORAMA DT. 2.1.99.

/TRUE COPY/

P.A. TO JUDGE

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Thottathil B. Radhakrishnan, J.

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O.P.No.227 of 1999

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Dated this the 8th day of October, 2007.

JUDGMENT

Having regard to the nature of the directions being issued hereunder, notice to respondents 5 and 6 are dispensed with. Learned counsel appears for the fourth respondent. Learned Government Pleader takes notice for respondents 1 to 3 and 7.

2. The complaint of the petitioner is that there is a likelihood of encroachment into Government property on which a Government school is situated. This is a matter to be taken appropriate care of by respondents 1 to 3 as well as the seventh respondent. The Municipality is also to ensure that no permission for construction of any wall or other structure is issued against the interest of the Government property and the school in question. The constructions stand stayed by this Court by the interim order dated 5-1-1999. Accordingly, this writ petition is allowed directing that respondents 1 to 3 and 7 as also the fourth respondent will take adequate steps to ensure that no portion of

any Government land on which the L.P.School, Chellamkode situated is encroached upon. The Tahsildar will also ensure that the said piece of land is appropriately preserved. The petitioner will produce copies of this judgment before respondents 1 to 3 and 7.

Thottathil B.Radhakrishnan,
Judge.

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Thottathil B. Radhakrishnan, J.

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O.P.No.227 of 1999

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Dated:8-10-2007